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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,770	04/21/2004	Reid L. Wissler	23902-00004	5246

27144 7590 06/07/2006

FOSTER, SWIFT, COLLINS & SMITH, P.C.
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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3618

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,770

Applicant(s)

WISSLER ET AL.

Examiner

Frank Vanaman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/21/04</u> . | 6) <input type="checkbox"/> Other: ____ |

Status Inquiry

1. Applicant's Status Inquiry Letter, filed Oct. 14, 2005, is acknowledged. The application is pending in the office and an office action on the merits follows.

Drawings

2. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 6, 8 and 13 are objected to for the following informalities: in each of claims 6 and 13, line 3 (both claims), it appears as though "is" should be - -in- -; in claim 8, line 11, it appears as though "restricting" should be - -retracting- -.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieschel (US 3,073,458) in view of Senelet (US 3,871,685). Wieschel teaches a vehicle having an outrigger assembly comprising an elongated housing (16) having an open end and pivotally attached (21) to the vehicle with an opposite end extending beyond the vehicle side (note figure 4), wherein pivotal motion thereof may be actuated by a double acting hydraulic cylinder (25, 26); an extendible-retractable beam (17) mounted

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in the housing and arranged to be operated by a further double acting cylinder (32, 34); a jack tower connected to the beam end including a first component connected to the beam (41) and a further component (38) telescopically (in this case through a threaded connection) connected to the first component, the further component having a ground-engaging pad (37, 39) connected to a lower end. The reference to Wieschel fails to teach an actuator for the further component (38) wherein the jack tower comprises a hydraulic cylinder, and is positioned at a non-orthogonal angle to the extendible beam, and wherein the engaging pad is pivotally connected to the lower end of the further component. Senelet teaches a leveling arrangement which may be placed at the end of a telescopic beam (11), including a foot (8) pivotally attached (23) to a telescopic rod end of a hydraulic leveling cylinder (24), housed in a jack tower (22) positioned at an angle different from 90 degrees with respect to the beam (figure 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the manually adjustable jack tower taught by Wieschel with the hydraulically adjustable jack tower taught by Senelet, positioned at a non-orthogonal angle to the beam, for the purpose of allowing all aspects of the leveling of the vehicle to be controllable by an operator of the hydraulic systems (i.e., thus avoiding manual adjustment of the pad at the jack tower), to reduce set-up time.

As regards the provisioning of the non-orthogonal angle, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the jack tower at a non-orthogonal angle for the purpose of slightly widening the stance of the vehicle when leveled, thus improving stability. The references to Wieschel and Senelet fail to specifically teach the angle of the jack tower, however when the prior art teaches a general condition (i.e., the jack tower at an angle other than 90 degrees), it is not deemed to be beyond the skill of the ordinary practitioner to adjust a taught configuration to optimize its operation, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the jack tower angle to an angle between 5 and 20 degrees for the purpose of optimizing the vehicle stance, while not extending the pad portion outwardly to an unacceptably wide position.

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As regards claim 15, the references fail to specifically teach the provision of the leveling devices on a fire engine with aerial ladder, however inasmuch as it is well known to provide leveling devices on fire engines with aerial ladders, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the leveling device taught by Weischel as modified by Senelet on a fire engine with an aerial ladder for the purpose of providing a stable base to promote the safe use of the ladder at substantial extension.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnston et al. (US 4,027,801), Gemma (US 4,883,576), Pinkston (US 5,387,071), Wolfram et al. (US 6,276,718), and Anderson (US 6,811,161) teach vehicle stabilizers of pertinence.

7. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



6/5/06